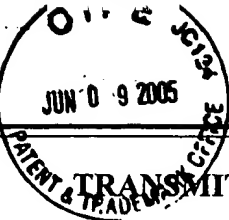


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TRANSMITTAL OF APPEAL BRIEF (Large Entity)

Docket No.
US000320/17961

In Re Application Of: A. J. Colmenarez, et al.

Application No.

09/718,246

Filing Date

November 22, 2000

Examiner

Aung Soe Moe

Customer No.

Group Art Unit

2612

Confirmation No.

1668

Invention: **COMBINED DISPLAY-CAMERA FOR AN IMAGE PROCESSING SYSTEM**


COMMISSIONER FOR PATENTS:

Transmitted herewith is the Appeal Brief in this application, with respect to the Notice of Appeal filed on

The fee for filing this Appeal Brief is: \$500.00

- ☒ A check in the amount of the fee is enclosed.
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WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.


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Dated: 6/7/2005

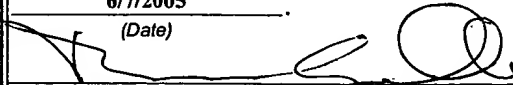
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APPEAL BRIEF

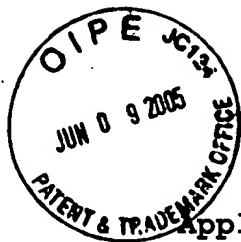
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant: A.J. Colmenarez, et al. **Examiner:** Aung Soe Moe

Serial No.: 09/718,246

Art Unit: 2612

Filed: November 22, 2000

Docket: US000320 (17961)

For: COMBINED DISPLAY-CAMERA
FOR AN IMAGE PROCESSING
SYSTEM

Dated: June 7, 2005

Conf. No.: 1668

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APPEAL BRIEF

Sir:

I. INTRODUCTION

Pursuant to 35 U.S.C. § 134 and 37 C.F.R. § 41.37, entry of this Appeal Brief in support of the Notice of Appeal filed April 7, 2005 in the above-identified matter is respectfully requested. This paper is submitted as a brief setting forth the authorities and arguments upon which Appellants rely in support of the appeal from the Final Rejection of Claims 1-13 in the above-identified patent application on January 12, 2005.

II. STATEMENT OF REAL PARTY OF INTEREST

The real party of interest in the above-identified patent application is Philips Electronics North America Corporation.

III. STATEMENT OF RELATED PROCEEDINGS

There are no pending appeals or interferences related to this application to Appellant's knowledge.

IV. STATEMENT OF SUPPORTING EVIDENCE

No affidavits, documents, or other evidence is being entered into the record in support of this Appeal.

V. STATEMENT OF CLAIM STATUS AND APPEALED CLAIMS

A. Claim Status

Claim 1 stands rejected based on 35 U.S.C. § 102(b) as being anticipated by UK Patent Application GB 2 273 411 issued to Garrett, et al.

Claim 2 stands rejected based on 35 U.S.C. § 102(b) as being anticipated by UK Patent Application GB 2 273 411 issued to Garrett, et al.

Claim 3 stands rejected based on 35 U.S.C. § 102(b) as being anticipated by UK Patent Application GB 2 273 411 issued to Garrett, et al.

Claim 4 stands rejected based on 35 U.S.C. § 102(b) as being anticipated by UK Patent Application GB 2 273 411 issued to Garrett, et al.

Claim 5 stands rejected based on 35 U.S.C. § 102(b) as being anticipated by UK Patent Application GB 2 273 411 issued to Garrett, et al.

Claim 6 stands rejected based on 35 U.S.C. § 102(b) as being anticipated by UK Patent Application GB 2 273 411 issued to Garrett, et al.

Claim 7 stands rejected based on 35 U.S.C. § 102(b) as being anticipated by UK Patent Application GB 2 273 411 issued to Garrett, et al.

Claim 8 stands rejected based on 35 U.S.C. § 102(b) as being anticipated by UK Patent Application GB 2 273 411 issued to Garrett, et al.

Claim 9 stands rejected based on 35 U.S.C. § 102(b) as being anticipated by UK Patent Application GB 2 273 411 issued to Garrett, et al.

Claim 10 stands rejected based on 35 U.S.C. § 103(a) and UK Patent Application GB 2 273 411 issued to Garrett, et al. and US Patent No. 5,610,390 issued to Miyano.

Claim 11 stands rejected based on 35 U.S.C. § 103(a) and UK Patent Application GB 2 273 411 issued to Garrett, et al. and US Patent No. 6,137,535 issued to Meyers.

Claim 12 stands rejected based on 35 U.S.C. § 102(b) as being anticipated by UK Patent Application GB 2 273 411 issued to Garrett, et al.

Claim 13 stands rejected based on 35 U.S.C. § 102(b) as being anticipated by UK Patent Application GB 2 273 411 issued to Garrett, et al.

B. Appealed Claims

Claims 1-13 are appealed, a clean copy of which are attached hereto in Appendix A.

VI. STATEMENT OF AMENDMENT STATUS

The claims were not amended in the Response to the Final Rejection filed February 10, 2005.

VII. STATEMENT/EXPLANATION OF INVENTION

The present application, U.S. patent application Serial No. 09/718,246 was filed on November 22, 2000, originally included Claims 1-13.

In an Official Action dated April 15, 2004, the Examiner rejected Claims 1-9, 12 and 13 under 35 U.S.C. § 102(b) as being anticipated by UK Patent Application GB 2 273 411 issued to Garrett, et al. (Garrett). Additionally, the Examiner rejected Claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Garrett in view of US Patent No. 5,610,390 issued to Miyano (Miyano). Lastly, the Examiner rejected Claim

11 under 35 U.S.C. § 103(a) as being unpatentable over Garrett in view of US Patent No. 6,137,535 issued to Meyers (Meyers).

In a Response under 37 C.F.R. § 1.111, filed July 15, 2004, independent claims 1, 12, and 13 were amended for clarification purposes to more accurately and definitively set forth the invention. Specifically, claims 1, 12, and 13 were amended to clarify that the apparatus recited therein comprised "a combined display-camera having a plurality of display elements and a plurality of camera elements, the display elements and camera elements comprising respective elements that are arranged substantially in a common plane with the display elements being interspersed with the camera elements" (underlined portion added by amendment).

In the Final Official Action, issued January 12, 2005, the Examiner reiterated the rejections from the previous Official Action. Applicants traversed the Examiner's rejections without amendment to the claims in a response under 37 CFR 1.116 filed on February 10, 2005.

Subsequent to an Advisory Action issued on February 16, 2005, an Appeal Brief was filed on April 7, 2005.

Consequently, Claims 1-13 are the claims on appeal. A copy of the rejected claims is attached hereto in the Appendix.

The invention with respect to claim 1 comprises an apparatus for use in an image processing system. The apparatus comprising: a combined display-camera (e.g., Specification from page 4, line 15 to page 5, line 21 and Figures 2, 3, and 7, at Reference Numeral 210) having a plurality of display elements (e.g., Specification from page 4, line 15 to page 5, line 21 and Figures 2 and 3, at Reference Numeral 212) and a plurality of camera elements (e.g., Specification from page 4, line 15 to page 5, line 21 and Figures 2, 3 and 4, at Reference Numeral 214), the display elements and camera elements comprising respective elements that are arranged substantially in a common plane (e.g., Specification at page 5, lines 1-9 and Figures 2 and 3) with the display elements being interspersed with the camera elements (e.g., Specification at page 4, lines 17-19 and Figures 2 and 3), and wherein each of at least a subset of the camera elements has one or more imaging angles associated therewith (e.g., Specification from page 6, line 7 to page 7, line 25 and Figure 4), the one or more imaging angles being selected to provide a desired imaging operation for the combined display-camera (e.g., Specification from page 6, line 7 to page 7, line 25 and Figure 4).

The invention with respect to claim 2 comprises an apparatus as claimed in claim 1, wherein at least a subset of

the display elements comprise liquid crystal display elements (e.g., Specification at page 4, lines 19-21).

The invention with respect to claim 3 comprises an apparatus as claimed in claim 1, wherein at least a subset of the camera elements comprise charge-coupled device image sensors (e.g., Specification at page 4, lines 21-24).

The invention with respect to claim 4 comprises an apparatus as claimed in claim 1, wherein at least a subset of the camera elements comprise photosensors (e.g., Specification at page 4, lines 21-24).

The invention with respect to claim 5 comprises an apparatus as claimed in claim 1, wherein a given one of the camera elements comprises at least a portion of a pair of collimated plates (e.g., Specification at page 6, lines 7-10 and Figure 4 at reference numerals 218-1 and 218-2), and wherein an imaging angle is selected for the given camera element by establishing a corresponding positioning of holes in the collimated plates (e.g., Specification at page 6, lines 11-17 and Figure 4 at reference numerals 219-1 and 219-2).

The invention with respect to claim 6 comprises an apparatus as claimed in claim 1, wherein the combined display-camera comprises a flat panel display (e.g., Specification at page 5, lines 1-3).

The invention with respect to claim 7 comprises an apparatus as claimed in claim 1, wherein at least a subset of the plurality of display elements and at least a subset of the plurality of camera elements are arranged in an array which includes more display elements than camera elements (e.g., Specification at page 5, lines 16-19 and Figure 3b).

The invention with respect to claim 8 comprises an apparatus as claimed in claim 1, wherein the one or more imaging angles are selected to provide an imaging operation for the combined display-camera which approximates that of a lens-based single-camera system (e.g., Specification from page 7, line 26 to page 8, line 11 and Figure 5).

The invention with respect to claim 9 comprises an apparatus as claimed in claim 1, wherein the one or more imaging angles are selected to provide an imaging operation for the combined display-camera which approximates that of a pin-hole camera system (e.g., Specification from page 8, line 12 to page 9, line 8 and Figure 6).

The invention with respect to claim 10 comprises an apparatus as claimed in claim 1, wherein the one or more imaging angles for a given one of the camera elements comprises a set of angles including a horizontal angle $\alpha_x = \tan^{-1}(\frac{x}{d})$ and a vertical angle $\alpha_y = \tan^{-1}(\frac{y}{d})$, where x and y denote the

horizontal and vertical distances from the camera element to the optical axis of the combined display-camera, and d is the distance from an image plane of the combined display-camera to a desired virtual focus point of the combined display-camera (e.g., Specification from page 8, line 12 to page 9, line 8 and Figure 6).

The invention with respect to claim 11 comprises an apparatus as claimed in claim 1, wherein each of at least a subset of the camera elements has a plurality of image sensors associated therewith, such that different imaging angles can be set for the different image sensors of a given camera element, and different perspectives of a scene can be generated in the image processing system (e.g., Specification at page 9, lines 9-17).

The invention with respect to claim 12 comprises a method for use in an image processing system, the method comprising the steps of: providing a combined display-camera (e.g., Specification from page 4, line 15 to page 5, line 21 and Figures 2, 3, and 7, at Reference Numeral 210) having a plurality of display elements (e.g., Specification from page 4, line 15 to page 5, line 21 and Figures 2 and 3, at Reference Numeral 212) and a plurality of camera elements (e.g., Specification from page 4, line 15 to page 5, line 21 and Figures 2, 3 and 4, at Reference Numeral 214), the display

elements and camera elements comprising respective elements that are arranged substantially in a common plane (e.g., Specification at page 5, lines 1-9 and Figures 2 and 3) with the display elements being interspersed with the camera elements (e.g., Specification at page 4, lines 17-19 and Figures 2 and 3), and wherein each of at least a subset of the camera elements has one or more imaging angles associated therewith (e.g., Specification from page 6, line 7 to page 7, line 25 and Figure 4); and selecting the one or more imaging angles to provide a desired imaging operation for the combined display-camera (e.g., Specification from page 6, line 7 to page 7, line 25 and Figure 4).

The invention with respect to claim 13 comprises an article of manufacture comprising a storage medium for storing one or more programs (e.g., Specification at page 9, lines 23-27 and Figure 7, reference numeral 280) for use in an image processing system (e.g., Specification from page 9, lines 18 to page 10, line 13 and Figure 7, reference numeral 250), the image processing system including a combined display-camera (e.g., Specification from page 4, line 15 to page 5, line 21 and Figures 2, 3, and 7, at Reference Numeral 210) having a plurality of display elements (e.g., Specification from page 4, line 15 to page 5, line 21 and Figures 2 and 3, at Reference Numeral 212) and a plurality of camera elements (e.g.,

Specification from page 4, line 15 to page 5, line 21 and Figures 2, 3 and 4, at Reference Numeral 214), the display elements and camera elements comprising respective elements that are arranged substantially in a common plane (e.g., Specification at page 5, lines 1-9 and Figures 2 and 3) with the display elements being interspersed with the camera elements (e.g., Specification at page 4, lines 17-19 and Figures 2 and 3), and wherein each of at least a subset of the camera elements has one or more imaging angles associated therewith (e.g., Specification from page 6, line 7 to page 7, line 25 and Figure 4), wherein the one or more programs when executed by a processor (e.g., Specification from page 9, line 18 to page 10, line 6 and Figure 7, reference numeral 270) implement the step of selecting the one or more imaging angles to provide a desired imaging operation for the combined display-camera (e.g., Specification from page 6, line 7 to page 7, line 25 and Figure 4).

VIII. STATEMENT/LIST OF EACH GROUND FOR REVIEW

- 1. The Rejection of claims 1-9, 12 and 11-13, on appeal, under 35 U.S.C. § 102, as being anticipated by Garrett is improper.**

A. CLAIMS 1, 12 and 13

The Examiner argues that the "X" elements on the LCD display of Garrett (Figs. 4 and 5) are "camera elements" as set

forth in claim 1. Applicants respectfully disagree. Note carefully that Garrett explains that the "X"'s represent omitted blue filters 120 of the normal sub-pixel filter 130 in a video display window 140 (page 8, lines 2-7). Garrett explains further that light from the image of the user passes through a first polariser 150, a substrate 155 and the aperture in the colour filter array 160 created by the omitted blue filters (page 8, lines 20-22, Fig. 5). The light then propagates through an LCD layer 165, a thin film transistor array 170, a second substrate 155 and out through a second polariser 160 (page 8, lines 22-24). An optical fiber guides light emerging from the second polariser 150 through a diffuser 210 and to a lens 180, which focuses the light onto a CCD 190 (page 8, lines 26-28).

The Examiner's position therefore is that the apertures represented by the X's in the filter 130 are camera elements as set forth in claim 1. Applicants respectfully disagree with this interpretation since the term "camera elements" must be interpreted according to the broadest reasonable interpretation that is consistent with the interpretation that those skilled in the art would reach and with the plain meaning of the term. MPEP 2111 and 2111.01. Applicants respectfully submit that an aperture 120, e.g., a void, in a sub-pixel filter 130 in a video display window 140

would not be interpreted as constituting a camera element by the person skilled in the art or under the plain meaning requirement.

Furthermore, claim 1 requires that each of at least a subset of the camera elements has one or more imaging angles associated therewith, the one or more imaging angles being selected to provide a desired imaging operation for the combined display-camera. Under the Examiner's definition of "camera elements", this limitation of the claim requires the apertures 120 ("X"'s) to have one or more imaging angles associated therewith. However, the Examiner does not explain how an aperture can have one or more imaging angles associated therewith. Instead, the Examiner states (Office Action, page 4, first full par.) that the imaging angle of the entire camera of Garrett can be selected based on a viewing angle 110 (Fig. 3). However, this says nothing about imaging angles of camera elements as claimed, where a plurality of such camera elements are provided in a combined display-camera, and display elements of the display-camera are interspersed with the camera elements.

In the Advisory Action, the Examiner argues at page 2, lines 9-12 that Garrett "clearly" shows, at Figures 5 and 6, the camera elements in a common plane with the display elements. Applicants disagree. Such elements may be in the

same artificial plane of the page, but they are clearly not in the same physical plane and are in fact arranged in parallel planes. For example, elements 210, 150, 155, 170, 155, and 150 are all arranged in parallel planes disposed in the optical path.

Withdrawal of the rejection to the independent claims 1, 12 and 13 is therefore respectfully requested.

B. CLAIMS 2-9

Claims 2-9 being dependent upon claim 1 are thus at least allowable therewith.

Moreover, the dependent claims recite further patentable features.

For example, claim 3 sets forth that at least a subset of the camera elements of claim 1 comprise charge-coupled device image sensors. The Examiner cites page 8, lines 25+ of Garrett as providing this feature. However, while Garrett does use a CCD 190 (Fig. 5), it is a totally separate component located apart from the apertures 120 (the "X"'s). The Examiner's position is therefore inconsistent if, when interpreting claim 1, the apertures 120 (Fig. 5) are considered to be camera elements, but, in interpreting claim 3, the CCD 190 is considered to comprise the camera elements.

Additionally, since Garrett provides a CCD 190 for the entire camera, at least a subset of the camera elements do not

comprise charge-coupled device image sensors. Furthermore, Garrett does not meet the limitation that the camera elements are arranged substantially in a common plane with display elements since the CCD 190 of Garrett (Fig. 5) is located well behind the apertures 120.

Therefore, claim 3 is believed to be clearly patentable over Garrett independent of its base claim.

The same reasoning applies to claim 4, where photosensors are substituted for charge-coupled device image sensors. Therefore, claim 4 is believed to be clearly patentable over Garrett independent of its base claim.

Claim 5 sets forth that a given one of the camera elements comprises at least a portion of a pair of collimated plates, wherein an imaging angle is selected for the given camera element by establishing a corresponding positioning of holes in the collimated plates. The Examiner asserts that Fig. 5 of Garrett shows parallel plates. Applicants respectfully disagree. Instead, Garrett uses an optical fiber 200 to guide light from the aperture created by the omitted blue filter 120 (page 8, lines 36-38). The line of sight 80 of the image detection means 60 therefore corresponds to that of the optical fiber (page 8, lines 34-36). Accordingly, Garrett has no need for collimated plates that have holes that are positioned to select an imaging angle as claimed. Moreover, a careful review

of the description of Fig. 5 of Garrett reveals that items 150 are polarisers, items 155 are substrates, item 165 is a liquid crystal layer, item 170 is a thin film transistor array, item 210 is a diffuser, items 200 are optical fibers, item 180 is a lens, and item 190 is a CCD (page 8, lines 11-28). The thin film transistor array 170 should not be confused with a collimator. Instead, the TFT array is used to drive the LCD layer 165 to provide a display. Accordingly, Garrett simply provides no disclosure or suggestion whatsoever of using collimator plates.

Therefore, claim 5 is believed to be clearly patentable over Garrett independent of its base claim.

**2. The Rejection of claim 10, on appeal,
under 35 U.S.C. § 103, as being unpatentable
over Garrett in view of Miyano is improper.**

Claim 10 being dependent upon claim 1 is thus at least allowable therewith.

**3. The Rejection of claim 11, on appeal,
under 35 U.S.C. § 103, as being unpatentable
over Garrett in view of Meyers is improper.**

Claim 11 being dependent upon claim 1 is thus at least allowable therewith.


IX. CONCLUSION

Based on the above arguments and remarks, Appellants respectfully submit that the claims of the instant invention on

appeal are not anticipated or obvious in light of Garrett, Miyano, and Meyers, either individually or in combination. Consequently, the rejections of the claims based on such references are in error. In view of the remarks submitted hereinabove, the references applied against Claims 1-13 on appeal do not render those claims unpatentable under 35 U.S.C. §§ 102 and 103. Thus, Appellants submit that the §§ 102 and 103 rejections are in error and must be reversed.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment in connection herewith to Deposit Account No. 19-1013/SSMP.

Respectfully submitted,


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APPENDIX

CLAIMS ON APPEAL: CLAIMS 1-13
Application Serial No. 09/718,246

1. (Rejected) An apparatus for use in an image processing system, the

apparatus comprising:

a combined display-camera having a plurality of display elements and a plurality of camera elements, the display elements and camera elements comprising respective elements that are arranged substantially in a common plane with the display elements being interspersed with the camera elements, and wherein each of at least a subset of the camera elements has one or more imaging angles associated therewith, the one or more imaging angles being selected to provide a desired imaging operation for the combined display-camera.

2. (Rejected) The apparatus of claim 1 wherein at least a subset of the display elements comprise liquid crystal display elements.

3. (Rejected) The apparatus of claim 1 wherein at least a subset of the camera elements comprise charge-coupled device image sensors.

4. (Rejected) The apparatus of claim 1 wherein at least a subset of the camera elements comprise photosensors.

5. (Rejected) The apparatus of claim 1 wherein a given one of the camera elements comprises at least a portion of a pair of collimated plates, and wherein an imaging angle is selected for the given camera element by establishing a corresponding positioning of holes in the collimated plates.

6. (Rejected) The apparatus of claim 1 wherein the combined display-camera comprises a flat panel display.

7. (Rejected) The apparatus of claim 1 wherein at least a subset of the plurality of display elements and at least a subset of the plurality of camera elements are arranged in an array which includes more display elements than camera elements.

8. (Rejected) The apparatus of claim 1 wherein the one or more imaging angles are selected to provide an imaging operation for the combined display-camera which approximates that of a lens-based single-camera system.

9. (Rejected) The apparatus of claim 1 wherein the one or more imaging angles are selected to provide an imaging operation for the combined display-camera which approximates that of a pin-hole camera system.

10. (Rejected) The apparatus of claim 1 wherein the one or more imaging angles for a given one of the camera

elements comprises a set of angles including a horizontal angle $\alpha_x = \tan^{-1}(\frac{x}{d})$ and a vertical angle $\alpha_y = \tan^{-1}(\frac{y}{d})$, where x and y denote the horizontal and vertical distances from the camera element to the optical axis of the combined display-camera, and d is the distance from an image plane of the combined display-camera to a desired virtual focus point of the combined display-camera.

11. (Rejected) The apparatus of claim 1 wherein each of at least a subset of the camera elements has a plurality of image sensors associated therewith, such that different imaging angles can be set for the different image sensors of a given camera element, and different perspectives of a scene can be generated in the image processing system.

12. (Rejected) A method for use in an image processing system, the method comprising the steps of:

providing a combined display-camera having a plurality of display elements and a plurality of camera elements, the display elements and camera elements comprising respective elements that are arranged substantially in a common plane with the display elements being interspersed with the camera elements, and wherein each of at least a subset of the camera elements has one or more imaging angles associated therewith; and

selecting the one or more imaging angles to provide a desired imaging operation for the combined display-camera.

13. (Rejected) An article of manufacture comprising a storage medium for storing one or more programs for use in an image processing system, the image processing system including a combined display-camera having a plurality of display elements and a plurality of camera elements, the display elements and camera elements comprising respective elements that are arranged substantially in a common plane with the display elements being interspersed with the camera elements, and wherein each of at least a subset of the camera elements has one or more imaging angles associated therewith, wherein the one or more programs when executed by a processor implement the step of selecting the one or more imaging angles to provide a desired imaging operation for the combined display-camera.